

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GRANT JOSEPH VAHOVICK,)
)
Petitioner,) Case No. 1:08-cv-649
)
v.) Honorable Robert Holmes Bell
)
UNITED STATES DISTRICT COURT,)
WESTERN DISTRICT OF MICHIGAN,)
)
)
Respondent.) **ORDER**
)

Petitioner, Grant Joseph Vahovick, is serving periods of supervised release arising from convictions in the Eastern District of Michigan, the Western District of Wisconsin, and the District of Kansas. Jurisdiction over his supervised release was accepted in this court on October 26, 2006. A supervised release petition is presently pending before this court arising from an alleged assault committed by Mr. Vahovick on March 22, 2008, in Antrim County, Michigan. Mr. Vahovick is now serving a sentence of 365 days in the Antrim County Jail arising from those events.

Mr. Vahovick has filed a petition under 28 U.S.C. § 2254, but the petition does not challenge the legality of his state conviction. Rather, the petition appears to be an attempt to obtain a prompt hearing on the supervised release petition. Although the court is under no obligation to grant petitioner a hearing until his state sentence has been served, the court will honor Mr. Vahovick's request. A petition under section 2254 is an improper means to make the request, and so the petition will be dismissed. Instead, the court will issue a writ of habeas corpus *ad*

prosequendum to procure Mr. Vahovick's appearance before this court to face the pending supervised release violation charges. Accordingly:

IT IS ORDERED that the petition under 28 U.S.C. § 2254 for writ of habeas corpus is hereby DISMISSED.

IT IS FURTHER ORDERED that the duty magistrate judge issue a writ to procure the presence of Grant Vahovick before this court in case no. 1:06-pt-38 for supervised release proceedings.

Dated: August 12, 2008

/s/ Robert Holmes Bell

ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE